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The Imām Is Responsible for Me Before God! The Dimension of Protection (*Dhimma*) Granted by Imām Yaḥyā to the Jews of Yemen

I. Preface

With the withdrawal of the Ottomans from Yemen and the final takeover by Imām Yaḥyā Ḥamīd al-Dīn (d. 1948) in 1918/19, The Jewish minority had to once again accept the *dhimmī*-status.[1] Imām Yaḥyā re-established the Zaydī Imamate in Yemen, which, put simply, meant a fiver-Shīʿī theocratic state,[2] and thus a reintroduction of Islamic law (*šarīʿa*) as the sole source of jurisdiction. Accordingly, Jews were defined as a non-Muslim minority 'in possession of a divine revelation' (*ahl al-kitāb*). Living permanently in the Islamic territory (*dār al-islām*), they had to pay the *jizya* (protection-tax) and to subordinate themselves to the Islamic ruler as well as to the Muslim majority.[3] In return, Jews were guaranteed protection (*dhimma*) by the Muslim community, for which Imām Yaḥyā took personal responsibility.[4] In addition to the *jizya*, the Jews had to follow a number of

1 For the *dhimmī*-status in general cf. Cohen 1994. For a focus on its early development and the question of 'tolerance in Islam' cf. Noth 1978. It is not clear whether the *dhimmī*-status was completely abolished under Ottoman rule, nor which aspects of Ottoman jurisdiction were indeed applied in Yemen during their occupation. Therefore, it is problematic to speak about a re-establishment of rules by Imām Yaḥyā after the Ottomans' withdrawal. Cf. Würth 2007, p. 39. Apparently, the *jizya* (protection-tax) was collected in Yemen even under Ottoman rule after the reforms (*tanẓīmāt*). Cf. Klein-Franke 1997, pp.187–191. Nonetheless, Yaḥyā's enforcement of rules concerning Jews, which were at least theoretically abolished under Ottoman rule, was also directed against the former 'corrupt' government, to which Jews were generally loyal. Cf. Parfitt 2000, p. 210.

2 The Zaydī Imamate was originally not designed as a *state* defined by territory (*dawla*), but as a movement and 'invitation' or 'sermon' (*daʿwā*) which addresses the whole Islamic community (*umma*). Despite that, already the *Qāsimī* Imamate developed more and more into a state in the eighteenth century. Cf. Haykel 2003, p. 17.

3 The origin of the protection-tax payment lies (among other things) in the conditions under which the Jews of Khaybar surrendered to Muḥammad and his army during the first Islamic conquests around the year 628 CE. Cf. Lewis 1987, p. 20. The *jizya*-payment is referred to in Qur'ān 9:29.

4 For the contract of protection given to the Jews of Ṣanʿā by Yaḥyā in 1905 cf. Ḥabšūš 1983, pp. 190ff. (in Judeo-Arabic). For a facsimile of a handwritten copy in Arabic cf. Gamli'el 1986, p. 18. For a French translation cf. Sémach 1911, pp. 39ff. A shortened version in English is included in Stillman 1991, pp. 225ff.

regulations similar to those ascribed to Caliph ʿUmar ('Pact of ʿUmar', *al-šurūṭ al-ʿumariyya*). Theses rules, distributed to a Jewish delegation by Imām Yaḥyā in 1905,[5] prohibited Jews from carrying weapons, riding horses, building houses higher than those of the Muslims, joining forces against Muslims or ridiculing Islam and the Prophet. Beyond that Jews had to obey a certain dress code.[6]

Providing security and protection on the one hand, while instituting subordination and discrimination on the other, the *dhimmī*-status is an ambivalent and flexible issue indeed, which can take very diverse forms and thus calls for separate analysis in each case. Even in the concrete case of Yemen, accounts about Yaḥyā and his relationship with the Jews seem to be ambiguous: once being mentioned as the one who destroyed synagogues when he first came to power in 1905 and later re-enforced the orphans' and latrines' *decrees*,[7] Yemenite Jews generally remember him as a righteous ruler and their protector.[8] But do these different accounts necessarily point to a contradictory, arbitrary behaviour on the part of Yaḥyā? As the relationship between the Zaydī *imām* and the Jews living in his territory was mainly determined by their legal status as 'protected people' (*dhimmiyyūn*) according to Islamic law, a closer look on that subject should be enlightening. Maybe Yaḥyā's different attitudes portray two sides

5 It seems that protection was already guaranteed by the *jizya*-payment and did not depend on the observance of the rules. The clause "herewith their blood is protected and they are made to enter the protection" (*wa-ḥuqinat bi-hadhā damā'hum wa-adkhalathum al-dhimma*) comes directly after the stipulation to pay the protection-tax but before the rules of conduct. Cf. Ḥabšūš 1983, p. 190 and Gamli'el 1986, p. 18.

6 It is uncertain, when, by whom and why these regulations were first invented. Cf. Ḥabšūš 1983, p. 190 and Gamli'el 1986, p. 18. While one opinion argues for their introduction under ʿUmar ibn ʿAbd al-ʿAzīz (717–720), it is also possible that they were indeed established in the first years of the Islamic conquest to differentiate between the conquerors and the non-Muslim majority and to secure Islamic power. Hence they could refer to the second Caliph ʿUmar b. al-Khaṭṭāb (634–644). For the 'Pact of ʿUmar' in general cf. Cohen 1999 and 1994, chapter 4. Stipulations of that kind, which were in use in many Islamic countries, probably found their way to Yemen via Sunni scholars and are first found in the *Kitāb al-azhār* by Imām al-Mahdī Aḥmad b. Yaḥyā al-Murtaḍā (d. 1436). Cf. Tobi 1999, pp. 26ff.

7 Instructions described as *decrees* (גזֵרה) in literature are usually not *real* written decrees, enacted and sealed by the Imām, but legal-religious rulings of Zaydī or neo-Sunnī scholars, e.g. Muḥammad al-Šawkānī. They were sometimes 'interpretations' of already existing rulings and were realized according to the scholar's influence. At this point I want to thank Prof. Yosef Tobi with whom I had a correspondence about the *decree* question. For the latrines' instruction cf. Sadan 1996; Haykel 2003, pp. 125ff.; Tobi 1999, p. 144. For the orphans' *decree* cf. Tobi 1990, pp. 118ff.; Eraqi-Klormann 1995; Parfitt 2000, p. 211ff..

8 Cf. Tobi 1999, p. 7; Parfitt 2000, p. 205ff. and 218–220.

of the same system which is conclusive within its own boundaries.[9] The analysis of the protection-relationship between Yaḥyā and the Jews of Ṣanʿā, its function, opportunities and boundaries as a wider, figurative 'social space', is an important field of study. It does not only widen the knowledge about the Jews' legal and political status under Islamic reign at the time, but may also contribute to a better understanding of Yaḥyā's self-image as a Zaydī *imām* and his ideas of legitimate Islamic rule, and offer as well an insight into his concrete ways of governance. As a microscopic approach seems to be the only way to examine the personally managed legal and social space of *dhimma*, we should turn to some concrete cases. The legal documents that were composed in relation to these cases were collected and commented on by Rabbi Sālim Saʿīd al-Jamal, later called Rabbi Šalom Gamli'el (1906–2001), who worked as a mediator between Yaḥyā and members of the Jewish community in Ṣanʿā from the mid 1920s until his emigration to the Land of Israel in 1944.[10] Literate in Arabic and familiar with Yaḥyā and members of his family, al-Jamal often helped other Jews in composing petitions to the Imām when they addressed him and the *šarī'a* courts, even in inner-Jewish cases which could have also been brought to the rabbinic court.[11] In the following three cases negotiated in the framework of the *dhimma* will be discussed.

II. A Rabbi Demands Imām Yaḥyā's Protection

In November 1930 al-Jamal received a letter from Rabbi Yaʿīš al-Badīḥī asking to visit him in jail. Another (unnamed) Jew had accused him of not having returned a book and claimed compensation. Although Badīḥī denied the accusation, he agreed to pay a small sum, likely to bring the affair to a quick end. This general readiness for payment was interpreted by the accuser as a confession of guilt and was probably seen as an opportunity to obtain

[9] For a similar observation concerning the "strange coexistence of tolerance and intolerance" in Islam in general cf. Noth 1978, p. 192.

[10] Of course al-Jamal's remarks should be treated with caution. He probably composed them about forty years after the described events in a very personal and unreserved manner. Still, his collection of original documents written or signed by Yaḥyā and judges and deputies of his government is of unique value. As there is no scientific-critical study about al-Jamal and his role at Yaḥyā's service until now, the sole source about him are his own writings. For his controversial מגילת הישועה (book of salvation) and its historicity cf. Sulami 2006.

[11] For a dispute between followers of the Kabbalah and their adversaries cf. Wagner 2007. The phenomenon of Jews turning to *shar'ī* courts with inner-Jewish cases was also observed in other countries. Cf. Qattan 1999 and Shaham 1995.

more money from Badīḥī whom he denounced immediately to al-Qāḍī Luṭf b. Muḥammad al-Zubayrī the judge being 'responsible for the Jews' (הממונה על היהודים).[12] The Judge, who was known for being corrupt,[13] apparently claimed 150 *riyāl* from Badīḥī to decide the case in his favour.[14] When the rabbi refused to pay the bribe, al-Zubayrī ordered him thrown into jail.[15]

The morning after al-Jamal heard about the incident, he produced his complaint in the name of Badīḥī to the revision court (*al-maḥkama al-šar'iyya al-isti'nāfiyya*). There he gave three reasons that justified, in his opinion, a second look at the details of the case. Only one, the missing of a lawful, i.e. a written, sentence (*ḥukm šar'ī*), which can be examined by others at a later date, was accepted.[16] Apparently, the judges' decision to consent to the revision request was based on an *ikhtiyār*[17] of Yaḥyā, which he had ruled in a case concerning custody-judgements. As any *ikhtiyār*, it was binding for all judges and supplemented or altered the Zaydī-Hadawī law, which in principal was in force as law of state.[18] Beyond the demand to

[12] The exact authority of the judge is not clear. Al-Jamal also describes him as the 'first judge' (*al-hākim al-awwal*) and 'main judge' [in Ṣanʿā] (השופט הראשי). Cf. Gamli'el 1986, p. 148. *Al-qāḍī* can be translated as *judge*. But not every *qāḍī* was actually working as judge and there were judges who were not *qāḍī*s. *Qāḍī* (pl. *qudā*) points to an 'aristocratic', South-Arabian (*qaḥṭānī*) descent, which stands in opposite to a North-Arabian *('adnānī*) descent, which the *sāda* (sing. *sayyid*) claim for themselves together with their belonging to the Prophet's kin. Descent was very important in Yemeni society. For that reason I do not translate *al-qāḍī*, but leave it as a part of the person's name and indication of decent.

[13] For this accusation cf. Gamli'el 1986, p. 221.

[14] It remains uncertain how exactly al-Zubayrī demanded the bribe. Following al-Jamal's report it seems that he demanded it quite openly; then again al-Jamal states repeatedly that no one could prove the judge's corruption. Cf. Gamli'el 1986, pp. 215–231. The exact value of a Yemenite *riyāl* in 1930 (i.e. an Austrian 'Maria Theresien Thaler', which was used as currency in Yemen) is hard to figure. The yearly *jizya*-payment of the highest tax class in 1905 was for instance 3 ¾ *riyāl*. Cf. Gamli'el 1986, p. 225.

[15] It is conceivable that the plaintiff and the judge collaborated from the beginning: the plaintiff presenting the rich rabbi to the judge who in his turn had the means to make him pay. For the interpretation of Badīḥī's readiness to payment cf. Gamli'el 1986, p. 221.

[16] Besides the missing *ḥukm*, al-Jamal mentioned that it was a minor affair and that the imprisoned rabbi was a reputable Jewish scholar *('ālim min 'ulamā' al-yahūd*) and rich man (*rajul mumawwal*). Cf. Gamli'el 1986, p. 218. It remains uncertain if al-Jamal mentioned the wealth of Badīḥī as a status symbol or as a hint to financial interests on the part of al-Zubayrī.

[17] An *ikhtiyār* is a *choice* or decision of a Zaydī *imām*, which follows a case's examination by the legal tool of 'independent judgement' (*ijtihād*). It was often applied to similar cases as an 'alteration' or 'extension' of the Zaydī law which was principally valid. The ability to administer *ijtihād* is a condition for becoming Zaydī *imām* and serves as an instrument for confirming and strengthening the legitimacy of 'supreme leadership' (*imāma*). For the reflexibility of *ijtihād* cf. Haykel 2003, p. 202.

[18] Al-Jamal does not use the term *ikhtiyār*, but writes that the judges agreed to the revision

review the case, al-Jamal asked Yaḥyā to release Badīḥī from jail until the rendering of a verdict and offered to stand surety (*kafāla*) for Badīḥī's appearance in court.[19] After the surety was accepted, Badīḥī was released from jail. The arrangement was settled between al-Jamal and a judge of the revision court,[20] but the revision process itself was lead by al-Zubayrī.[21] Apparently without having actually reviewed the case, al-Zubayrī again sentenced Badīḥī to pay a fine, to be handed out to the plaintiff, besides the 150 Riyāl the judge demanded – half-officially – for himself as a bribe. Although it would not have been a financial problem for Badīḥī, who was a prosperous landowner, to raise the money, he again refused to pay and claimed the case should be decided by the Imām himself. In response to this claim, which the judge may have interpreted as disregard for his judicial authority, al-Zubayrī ordered the rabbi chained and imprisoned in the citadel (*qal'a*), known for its hard conditions of custody.[22]

Weeks later, Badīḥī again called out for al-Jamal's help to compose a petition to the Imām. In his request for release, or rather written by al-Jamal in his name, he pointed at Imām's obligation to protect him and complained about having been under arrest for two and a half months already, "ill, innocent and without any evidence" (*marīḍ bi-lā dhanb wa-lā ḥujja*), "chained up in iron" (*mukabbilan bi-al-ḥadīd*) just because of "the mistake, which fell on him (me) on the part of al-Qāḍī Luṭf al-Zubayrī" (*al-ghalaṭ al-wāqi' 'alayy min ṭaraf al-qāḍī Luṭf al-Zubayrī*). Yaḥyā's answer is distinct: "the learned Qāḍī Luṭf b. Muḥammad al-Zubayrī (may God protect him) is to explain to us the true facts of the case" (*yuwaḍḍiḥ lanā al-qāḍī al-'allāma Luṭf b. Muḥammad al-Zubayrī [ḥamāh allah] ḥaqīqat al-amr)*. According to al-Jamal's report, al-Zubayrī explained the rabbi's imprisonment as a consequence of the invalidity of Badīḥī's self-testimony:[23]

request "corresponding to a strict law, which the king Yaḥyā imposed, according to which higher judges are allowed to imprison someone exclusively based on a justified opinion which can be examined [at a later date]" (בהתאם לחוק המפורש שהוציא המלך האמאם יחיא, שאין שום שופט רשאי לכלוא את מישהו אלא על פי פסק דין מנומק שניתן לערעור). Cf. Gamli'el 1986, p. 218. More about *ikhtiyārāt* cf. Haykel 2003, pp. 202ff.

19 Cf. Gamli'el 1986, p. 218. The document about al-Jamal's surety was kept in court. Only the paper of release is preserved as Document 83 in Gamli'el 1986, p. 221. For surety in Islamic law cf. art. *kafāla* in *EI*^{2}.

20 This becomes clear from Doc. 83 in Gamli'el 1986, p. 219.

21 It remains uncertain whether the case was negotiated in a court other than the *isti'nāf*, or if al-Zubayrī was admitted into the *isti'nāf*-court as well.

22 The citadel's prisoners were usually accused of capital crimes. Cf. Gamli'el 1986, 221.

23 Gamli'el 1986, pp. 224–225.

> *Ma'lūm anna laysa lahum amāna ma' annahum kuffār wa-jaḥadū bi-al-allah fa-li-dhālik šahādatuhum 'alā mu'minīn lā tuqbal wa-bi-dhālik ḥakamt 'alā šahādatih li-nafsih wa-'alā inhā' li-dhimmī mithluh wa-hādhā qiyā[s][24] shar'ī* (It is a well known fact that they [the Jews] cannot be trusted, because they are infidels and deny God. That is the reason why their testimony on believers [Muslims] is not authorized [in Islamic court]. In this [same] way I decided via deduction by analogy concerning his [Badīḥī's] testimony for himself, even though he [does not testify for a Muslim but for himself] testifies for a 'protected one' [dhimmī], like himself).

Even if al-Zubayrī's analogy can be sustained based on its own logic, it does not explain the imprisonment of Badīḥī. As both the plaintiff and the defendant were Jews, the case would have been in deadlock instead of resulting in the imprisonment of Badīḥī. Although it is likely that al-Zubayrī imprisoned Badīḥī just to extort the bribe without being especially interested in a real clarification of the case, the judge apparently corroborated the imprisonment with a legal basis which was difficult to refute. The *qiyās* of al-Zubayrī as an explanation for Badīḥī's imprisonment makes sense only if the rabbi's guilt was established on reasons other than the plaintiff's testimony, which could logically "not be trusted" as well. It was probably Badīḥī's earlier mentioned act of paying compensation to the plaintiff which was constructed as an indication of guilt according to which he was already convicted and could not proof his innocence with his later, invalid testimony.[25]

However, the judge's explanation, as well as the Imām's commitment to this case, is interesting. Why did the Imām not forward the case to the revision court but instead took care of it personally? Al-Jamal's speculation that the Imām himself suspected al-Zubayrī of corruption seems plausible, also in respect of other cases in which his's commitment on behalf of Jews is linked more openly to his own interests.[26] Assuming the judge was indeed corrupt, he was a liability for the Imām's authority as well. In view of the power struggles and intrigues between governors, judges, competing branches of *sayyid*-families and the Imām himself, a corrupt judge could have been used by the Imām's opponents against him.

[24] My reading. Al-Jamal writes *qiyām* but translates השוואה, which means *analogy* and is much closer to the Arabic *qiyās*. As the *mem sofit* (ם) and the *samakh* (ס) look very similar in Hebrew it might be a spelling mistake by al-Jamal.

[25] Cf. Gamli'el 1986, p. 221.

[26] Cf. Gamli'el 1986, chapter 3 and 6 and pp. 74, 182ff.

Concerning al-Zubayrī's explanation, it is of course impossible that forty years after the event, al-Jamal could remember the exact wording of a statement which he never heard himself, but was transmitted to him for a small bribe by one of Yaḥyā's court guards.[27] But despite the possibility that he may have ascribed the statement to al-Zubayrī later, it seems most likely that the legal entitlement of Jews to testify in court was indeed discussed at that time, at least in the concrete case of Badīḥī.[28] This becomes evident from al-Jamal's letter to the Imām from February 1931, in which he expresses his concern that Badīḥī could "be refused his right, although his testimony is genuine" (*lam yajḥad al-amīn fa-al-qawl qawluh*).[29] The fact that the Yaḥyā did not deny or correct a statement cited by al-Jamal in his second request for release, according to which Yaḥyā had informed al-Jamal that Badīḥī would not be refused his right and that his testimony will be accepted in court,[30] also supports the assumption that the Jews' legal status was indeed at issue and shows that the Imām took al-Jamal's concern seriously enough to refer to it.

After the conversation with al-Zubayrī, Yaḥyā is said to have forwarded the case to the revision court for a final settlement. However, after Badīḥī and al-Jamal had not heard anything from the court, they again petitioned the Imām for his release. In his answer, Yaḥyā ordered the case to be referred to another judge, Muḥammad b. Zayd al-Ḥūthī, who according to al-Jamal was instructed by the Imām to find a legal loophole for al-Zubayrī's *qiyās* about Badīḥī's entitlement to testify for himself. However, apparently al-Ḥūthī could not make a decision and returned the case to the Imām.[31] As a result of this irresolution and Badīḥī's refusal to pay, he stayed in jail for another month. Al-Jamal then asked the Imām personally for Badīḥī's release. The latter is said to have answered: "the problem is not difficult for a prosperous man" (*al-mas'ala laysat ṣa'ba 'ind rajul muyassar*),[32] which al-Jamal interpreted that in view of Badīḥī's ability to pay, it would not be worth to risk a contest with the judge on principles. Indeed, Badīḥī

[27] Cf. Gamli'el 1986, p. 222. A transmission of information via the court guard seems plausible. In other cases as well, al-Jamal was helped by people in the Imām's service or the younger princes (*suyūf al-islām*). Cf. Gamli'el 1986, pp. 116, 145, 196, 268, 302, 392 and 400.

[28] The entitlement of Jews to testify in court was already discussed in the context of planned reforms during the last years of the Ottoman reign. Cf. Parfitt 2000, p. 209.

[29] Doc. 86, *ibid*., p. 223.

[30] Doc. 87, *ibid*., p. 226.

[31] *Ibid*., pp. 225ff.

[32] *Ibid*., p. 228.

eventually paid the 150 Riyal to al-Zubayrī and the fine to the plaintiff. Oddly enough, the 150 Riyal were taken from a credit Badīḥī raised from the treasury (*bayt al-māl*) and were directly transferred from there to al-Zubayrī. It is uncertain if Yaḥyā or representatives of his government knew that the credit was for al-Zubayrī's bribe. And although it seemed to have been customary for the treasury to provide credits, it is not clear why Badīḥī did not take the money from his own savings, particularly since one would expect more discretion with regard to bribery. Al-Jamal's statement according to which he advised Badīḥī to raise a credit from the Imām, or rather the treasury,[33] to "clear away the supposition from his [the Imām's] heart, that there was an argument with the judge,"[34] does not really enlighten us regarding this matter.

The case of Badīḥī raises several questions. In view of the bad conditions of detention,[35] the fact that he probably lost more money through his imprisonment than the compensation had cost him and the fact that bribery was common in Yemen, it is remarkable that he did not buy himself out of prison earlier. It seems that he indeed refused to pay on principle, because he did not want to admit guilt for something he had not done.[36] The reason for the protraction of a final judgement is also uncertain and could simply have resulted from the judges' indifference towards an argument between two Jews about a book. But regarding Yaḥyā's commitment in the case, this explanation is not sufficient. I consider it more plausible that the judges were indeed divided and undecided about the ruling. This could also explain Badīḥī's staying in prison. Via al-Jamal's connection to the Imām's court, he could have been informed about the judges' differences and thus did not cherish groundless hopes for his release and the rehabilitation of his reputation and dignity.

A central aspect for Badīḥī's ultimate conviction was probably the imminence of two breaches of boundaries that were assigned to him as a *dhimmī*. As a prosperous landowner, possessing orchards next to those of the Imām

[33] The boundaries between the state treasury and Yaḥyā's private finances, seem to have been blurry. In the receipt Badīḥī got for returning the credit, Yaḥyā replaced the sentence "which were given him as a credit" with "which the treasury gave him." Doc. 89 in Gamli'el 1986, p. 230. If this was correct or if Yaḥyā just reacted to critics of his financial policy is uncertain.

[34] "כדי להוציא מלבו שיש כאן התנצחות", *ibid*., p. 228.

[35] According to al-Jamal, Badīḥī was extremely emaciated when he was released from jail and had wounds on his legs as a result from being chained. The rabbi was also said to have been affected mentally by his detention. Cf. *ibid*., p. 228.

[36] For his firmness cf. *ibid*., p. 221.

himself and employing Muslim workers, he was not just financially well-off, but also held a social position above that of the average Muslim, which might not have been considered appropriate for him as a *dhimmī*. Questioning the judgement of a Muslim judge discussed above and refusing to pay a bribe, although bribery was usual in Yemen and would not have meant a financial problem for him, may have been regarded as a provocation and an arrogant transgression of the *dhimmī*-regulations.[37] Regarding the judges' interests in the case, it remains uncertain if financial or ideological motives predominated. In view of the tensions between followers of the Hadawī-Zaydī *madhhab* and those of Muḥammad al-Šawkānī in the eighteenth and early nineteenth century, it would not be unconceivable that there were rival camps of *'ulamā'* in the twentieth century as well. It still remains a question if their attitude towards the Jews' legal entitlement to testify in court and the *dhimmī*-status in general resulted from a thorough dealing with the respective matters or if it was just a symbolic factor of identification between different camps of jurists. The irresolution of Yaḥyā himself raises a question as to the extent to which he was able to decide independently from *the*, or certain *'ulamā'*, particularly since al-Jamal's assertion that the *qiyās* of al-Zubayrī about Jews' entitlement to testify in court would not have any foundation in Zaydī law, and that *qiyās* was most likely influenced by jurists other than the strict Hadawīs.[38]

Despite many open questions, it is possible to draw some conclusions from the case of Badīḥī concerning the protection-relationship between the Imām and the Jews of greater Ṣanʿā and its surroundings. Even if we can't determine the extent to which he in fact functioned as a protector in this case, regardless of whether he did not want or could not do more, can not be determined, there is one thing that is certain: al-Jamal, Badīḥī, and probably other Yemenite Jews as well, were very aware of their status as 'protected people' and of the Imām's liability to provide protection. In his petition for Badīḥī from 7 February 1931, al-Jamal explicitly raises the subject of protection: "Under the responsibility of whom my detention stands, o my protector? There is nobody who guards upon me beside God

[37] In other cases it was less problematic if Jews wanted a case to be reviewed. But often the judgements were so severe that the defendants did not have the chance to buy themselves off as easily as Badīḥī did. They were thus in a more imploring position than Badiḥī and appealed to the Imām's mercy. Cf. *ibid*., chapter 6.

[38] Cf. *ibid*., p. 227, n. 9. For followers of al-Šawkānī in the twentieth century cf. Haykel 2003, p. 211.

(praised be he) and the Imām. I stand under the protection of the Imām (may God strengthen him)" (*fa-fī dhimmat man yā mawlā'ī ḥabsī? wa-laysa man yantabih 'alaynā illā-allah (subḥānoh) wa-al-imām. fa-anā fī dhimmat al-imām ayyadahum allah*). Furthermore al-Jamal becomes even more distinct and demanding:[39]

> *idhā nāsab ra'yakum al-šafaqa 'alaynā bi-itlāqī li-ḥatta yakhruj al-qarār wa-illā bi-fakk al-qayd li-annah muḍirr lī jiddan aw bi-al-amr al-jāzim ilā al-maḥkama al-isti'nāfiyya bi-sur'at injāz raqmī wa-al-intibāh 'alaynā fa-dhālik lakum ajr min allah li-annī bi-dhimmat al-imām laysa bi-dhimmat ghairih wa-al-imām ayyadahum allah al-mas'ūl 'alayya bayna yaday allah* (In case you will decide to take pity on me (us) and release me until a decision is made, or to detach the shackles, which pester me extremely, or to give order to the revision court to make a definite decision quickly, God will reward you, as I am under the protection of no one else but the Imām. The Imām (may God strengthen him) is responsible for me [my just treatment] before God).

Al-Jamal's assertion, that God will reward the Imām if he follows his obligation to protect the Jews, as well as his statement that he is responsible for him or rather his just treatment before God, are interesting. Can *dhimmīs*, who, from a Muslim point of view, are thought to have falsified (*taḥrīf*) their divine revelation, at all able to claim knowledge about God's will and intention? May they instruct the head of the Islamic State and Zaydī *imām* what they think about it? Al-Jamal's frank firmness in this point is remarkable, especially in his second request from March 1931 where he insinuates that al-Zubayrī had imprisoned Badīḥī just to extort money from him: "I stayed in prison as a hostage until a decision will be made and this is forbidden (not allowed) to the Imām by God (he is great)" (*ṣirt fi al-ḥabs bāqī rahnan ilā an yaḥṣul al-qarār wa-hādhā lā yajūz li-al-imām min jihat allah ta'āla*).[40]

How is it possible for a protected Jew, who is probably expected to face the ruler with particular respect, to address the Imām like that? As a matter of fact, even al-Jamal often opts for a more servile manner when addressing the Imām and repeatedly mentions having expressed himself carefully. For instance, he avoids blaming the judge al-Zubayrī directly by stating that Badīḥī was imprisoned because of "a mistake, which fell on him on the

[39] Doc. 86 in Gamli'el 1986, p. 223; emphasis added.
[40] *Ibid*., p. 226.

part of (*Al-ghalaṭ al-wāqi' 'alayy min ṭaraf*) al-Qāḍī Luṭf al-Zubayrī".[41] There can be only one explanation for the fact that the direct way in which al-Jamal claimed protection did obviously not annoy Yaḥyā: the obligation to protect his Jewish subjects was an integral part of the Imām's self-image as Zaydī *imām*, which allowed Jews to claim protection as their clear and divinely legitimated right.[42]

III. The Forced Conversion of a Jewish Boy and Its Revocation by Imām Yaḥyā

Not in all matters does al-Jamal address Yaḥyā as frankly as in the case of Badīḥī. When the parents of Yosef Banāi, a twelve year old boy who was forcibly converted to Islam in 1941 by the governor of al-Rawḍa,[43] asked al-Jamal to write a petition for them, he first remains reserved. He remarks: "An intervention in this affair is sensitive and dangerous because [it concerns] Islam."[44] Believing his report, al-Jamal was so afraid of addressing the Imām on this subject that he asked a friend to copy the petition, so that the Imām could not identify the author by his handwriting.[45] Taking charge of the case nonetheless, al-Jamal made sure the petition was handed out to the Imām while he was present at his office.[46] When Ḥajj ʿAlī al-Raymī, the eldest of the court guards, tried to attract the Imām's attention to the petition, the Imām became furious.[47] To justify his behaviour, al-Raymī explained the petition was connected to a governor who took himself for a king. As intended, the hint to a possible disregard of the Imām's authority roused the Imām's interest in the case of Yosef. He entrusted al-Jamal with the case and ordered the governor to come to his court within three days.

41 Doc. 86, *ibid*., p. 223. Cf. also p. 224, n. 4 and p. 227, n. 11.

42 This corresponds to the basic idea of *dhimma* but was not realized by every Islamic ruler, which shows how important it is to scrutinize every single *dhimma*-relation.

43 As *usual* in such cases, the boy was forcibly fed with an unkosher soup to carry out the conversion. Children did not have to recite the *šahāda* or any other personally spoken confession to make the conversion valid. For the ritual of orphans' forced conversions cf. Parfitt 1998, p. 162; Eraqi-Klormann 1995, pp. 84ff. For conversion to Islam under Zaydī rule in general and the origin of the orphans decree cf. Tobi 1990, pp. 118ff.; Parfitt 2000, pp. 211–213.

44 "ההתערבות בעניין זה רגישה מאוד ומסוכנת מפאת האסלאם", in Gamli'el 1986, p. 400. For this case cf. *ibid*., pp. 399–408.

45 This letter is not preserved. Cf. *ibid*., p. 400.

46 Apparently al-Jamal met Yaḥyā regularly to discuss cases that involved Jews, and probably also to do business with him and the princes.

47 He did not like the fact that al-Raymī placed the petition on the top instead of sticking it under the pile as usual and asked him if he got mad (*mā hādhā? qadak majnūn qadak kharif*?). Cf. *ibid*., p. 401.

After the case was examined by Yaḥyā and al-Jamal it became evident that, according to Zaydī law, this conversion should not have been carried out, as Yosef's parents were still alive and the boy was under age to convert voluntarily. Despite this legal position, Yosef's conversion was apparently considered valid and had to be revoked by the same man who converted him, the governor of al-Rawḍa. Yaḥyā's decision to order that was probably first and foremost motivated by his own will, as there was no clear legal ruling concerning cases in which a theoretically impossible conversion was carried out. In principle, he could have seen the boy's 'return' to Judaism as an act of apostasy from Islam, which would demand the death penalty.[48]

What reason could Yaḥyā have had to cancel the boy's conversion to Islam? Following al-Jamal's report, it seems that he felt genuine empathy for the boy,[49] who was brutally attacked by soldiers while strolling in the palm-yards of al-Rawḍa and then forcibly brought to the governor's house where he was converted, not just against his own will but also against Islamic law.[50] Moreover, there are indications that the governor had a personal and eventually sexual interest in the boy, and tried to use the conversion to withdraw Yosef from his parents' care and put him under his own supervision.[51] But even though the Imām may have felt pity for Yosef Banāi,

[48] Yaḥyā is reported to have recited a saying according to which "a Jew remains a Jew even after he converts to Islam" (*qālū qad yahūdī yahūdī wa-lā aslam*). Cf. *ibid*., pp. 403ff.

[49] Imām Yaḥyā arranged a meeting between the boy and his parents in his court and gave him the opportunity to report and discuss the incident with al-Jamal confidentially. Furthermore, he ordered Joseph to spend the Shabbat in al-Jamal's house, which already indicates that he was not convinced of the validity of the boy's conversion. Cf. Gamli'el 1986, p. 402ff. Although al-Jamal particularly emphasizes his own part and importance in this case, which of course also shows the Imām's trust in him, his account of Imām Yaḥyā's behaviour towards the boy seems generally reliable.

[50] A *dhimmī*-child belongs to his parents and thus to their religion and must not be converted to Islam as long as he is minor and not orphaned. Only if the father, or both parents (here the schools of law differ) die, can he be 'lead back' to the 'natural religion' (*fiṭra*) of Islam, to which any Jew or Christian is thought to belong to before being raised in his parents' religion. For the *ḥadīth* this ruling is based on cf. Tobi 1990, p. 118.

[51] In the petitions to Yaḥyā, al-Jamal repeatedly points out that the governor ordered the boy to come to his house several times after his conversion was revoked. In these meetings he 'examined' (*istanṭaqahu*) and 'took a look at him' (*istanẓarahu*) and his genitals (מבושיו), as al-Jamal explicitly adds. Although this examination was allegedly undertaken to see if the boy already reached the age of puberty and thus would be legally able to convert 'voluntarily', it seems likely that the governor had another interest in the boy, as he could have fixed 'puberty' also by checking his beard growth or his voice. Following al-Jamal's report, the governor developed an almost criminal pressure in trying to convince Yaḥyā that the boy was beaten by his parents, which was obviously not true. Thereby he apparently wanted Yosef to be taken away from his parents as an alleged act of "deprivation of parental custody to the child's welfare". Cf. Hebrew translation of

who was indeed the person on whom the order to revoke the conversion had the most direct effect, the Imām's decision was also a message to the governor. Regardless of whether it was al-Raymī's hint concerning the governor's disloyalty which put the Imām under pressure to act, or if he himself disliked the governor's behaviour, who did neither consult with him about the conversion nor made any effort to win his favour after he was ordered to come to court, with his order to let Yosef return to Judaism, the Imām also set limits to al-Rawḍa governor's excess in disregarding the rights of the boy, who stood under the Imām's protection.[52]

It is possible that al-Jamal, who occasionally presents himself and his helpers as the secret initiators of the Imām's actions, exaggerated the impact al-Raymī's suspicion had on Yaḥyā. Nevertheless, this case raises a question as to whether the behaviour of the Imām could be calculated by his (Jewish) subjects. The obligation to provide protection was indeed part of the Zaydī *imām*'s self-image. As his authority could be challenged on this point, his Muslim subjects' behaviour towards the Jewish minority sometimes served as an indicator for their loyalty towards the Imām. Being protected by him, Jews were generally very loyal to him. This made them a buffer between Yaḥyā and his rivals, who took less risk in offending him via the subordinated minority than turning against him directly. It would be logical for this model to work both ways, and Jews – or rather a few outstanding members of them – could obtain the Imām's special support when indicating their opponent's disloyalty towards him.[53] Even if this seems to have worked to a certain degree, it is unlikely for the Imām to have reacted to such intentions just not to lose his face. It is more probable that his interests frequently overlapped with those of the Jewish petitioners. In the case of Yosef Banāi, he probably ordered the boy's return to Judaism not just because he felt pity for him, but also to set limits to the governor.[54]After

doc. 609 in Gamli'el 1986, p. 407 and al-Jamal's remarks on pp. 405–408. Although many converted children were moved to orphanages in the capital, where they were among others things trained to be professional soldiers, it was also common that they stayed in their 'converter's' house. Cf. Eraqi-Klormann 1995, pp. 99ff.

52 Al-Jamal mentions that the governor could have arrived in court one or two days earlier or try to get a personal audience with Yaḥyā. Cf. Gamli'el 1986, pp. 404ff.

53 For such a case from the eighteenth century cf. Haykel 2003, p. 122.

54 Yaḥyā is said to have been lenient in other cases of forced conversion as well. Cf. Gaimani 2004, p. 171. It is not clear, why he reinforced the instruction to convert orphans. Possibly, it was originally reintroduced to fully incorporate children, who became orphan in the course of drought and hunger catastrophes and indeed were left on their own, into the Muslim society, and was later carried without regard to it's earlier

all, it is impossible to clarify Yaḥyā's exact motives. But it becomes evident that even though he and al-Jamal were principally on good terms, there were also *delicate* subjects which al-Jamal was afraid to discuss with the Imām. More telling is the fact that the parents turned to the Imām for help. This shows that they had deep confidence in him and his sense of fairness. Whether the governor would have abandoned the idea to convert Yosef to Islam cannot be answered. After the Imām ultimately ordered the governor to stop summoning the boy to his house, Yosef was sent to Palestine where he spent the remainder of his life.[55]

IV. A Jewish Woman Converts to Islam to Marry a Muslim Soldier

In spring 1943, Naẓra b. Sulaymān al-Farḥī, a young Jewish woman from Khamir, was taken from her mother's house and converted to Islam. Apparently, she was the girlfriend of a Muslim soldier, together with whom she planned her escape from home and who she planned to marry afterwards.[56] The day she left home, the same soldier came to her house and started a conversation with her mother under the pretext of wanting to buy eggs. Then another soldier came and said he had order to bring Naẓra to the governor's house; the woman obeyed without resistance. Her mother and sister tried at once to get a permission to enter the governor's house as well. After having waited for a few days in vain, they asked al-Jamal to write a petition to the Imām to inspect the governor's behaviour.[57]

In his petition al-Jamal states that Naẓra was forcibly converted to Islam and married to the soldier (*yajburūhā li-al-islām wa-yatazawwaj bihā al-ẓābiṭ*).[58] Moreover, he discloses that the woman had been left alone with the governor for three days, in severe contrast with Yemenite notions of moral.[59]

sense. Cf. Eraqi-Klormann 1995, p. 83. Children were predominantly converted by governors, which raises the question if forced conversions were also a venue of power struggles between governors and Yaḥyā or supporters of distinct camps of rival legal opinions. For cases in which governors converted children forcibly cf. *ibid*., pp. 99ff.

55 Cf. Gamli'el 1986, p. 408.

56 It would be interesting to know how exactly they got to know each other, considering the far-reaching segregation between men and women and the fact that they belonged to different religions.

57 Cf. Gamli'el 1986, p. 409 and doc. 629 on p. 410.

58 Al-Jamal remarks that later it became clear, that she indeed converted voluntarily. Cf. *ibid*., p. 411, n. 5. Usually conversions of Jewish women to Islam in Yemen are described as forcefully initiated by Muslim men who wanted to marry a Jewish woman. Cf. Parfitt 2000, p. 213. This was apparently not the case here.

59 Al-Jamal points out to have worded it very carefully, not to offend the governor too openly. Cf. Gamli'el 1986, p. 411, n. 5 and 8.

According to al-Jamal's report, even the soldier was unpleasantly surprised by the governor's behaviour of keeping his wife for such a long time and asked some scholars how he could relieve himself of his guilt of having mislead and harmed her.[60] It is not clear whether the soldier really felt guilty or if this was an invention of the convert's mother. Probably, he arranged the woman's escape from home together with the governor, who had the force to order her to his house. Maybe the governor then kept the young woman for himself for a few days, which might not have been part of their agreement and for which the soldier subsequently could have felt guilty.[61]

After the petition reached the Imām's court, it was directly forwarded to a government official who was responsible for the district. In his answer he stated that Naẓra indeed converted to Islam and that her mother should not worry for her anymore, as someone is taking care for all her needs.[62] However, Yaḥyā did not confirm the official's answer. Instead he wrote: "To the governor of Khamir (may God protect him). The woman has to be brought to us quickly" (*ilā ʾāmil khamir [ḥarassahu allah]. yakun ʾīṣāl al-mar'a ilaynā sarīʿan*).[63] Unlike the governor of al-Rawḍa in the previous case, the governor of Khamir immediately sent a letter to the Imām, of whose order he was apparently informed before it reached him officially and was thus able to anticipate it. He sent Naẓra to the Imām's court before time and even offered him to keep the woman in his harem right away.[64] Naẓra's mother and sister came to Ṣanʿā as well, and together with al-Jamal they wrote a petition to the Imām requesting permission to ask Naẓra about the exact circumstances of her conversion.[65]

Whether by chance or calculation, al-Jamal was present at a meeting with the Imām when the petition was brought in. Instantly the Imām directed al-Jamal to accompany Naẓra's sister to the harem, where the convert was

[60] Naẓra's mother, about the soldier: "*kayfa yakūn bi-barā'at dhimmatih li-annah faʿal lihā ḥīla sirriyya wa-taḥammal bi-muʾībatihā*" (*ibid*., p. 410).

[61] *Ibid*., p. 412. It is not mentioned what the scholars advised him to do.

[62] *Ibid*., p. 410.

[63] According to al-Jamal, Yaḥyā did not send the whole petition to the governor, but just his new order. The original is not preserved, only al-Jamal's transcription of the Arabic text and his Hebrew translation (*ibid*., p. 412, a Hebrew translation of Doc. 629). Al-Jamal further remarks that Yaḥyā wrote 'the woman' (*al-mar'a*) to imply she was old enough to decide to convert voluntary (*ibid*., p. 409).

[64] It is unclear whether the governor had the right to offer the woman to the Imām at all, as she was already married to the soldier.

[65] This letter is not preserved, but from another petition (doc. 595, *ibid*., p. 414) it is evident that it existed.

accommodated during her stay at the Imām's court.[66] Al-Jamal was to hear her explanation and to report it to the Imām. Before they were led into his harem, which indeed is remarkable and shows the Imām's trust in al-Jamal, the Imām sent a message to his wife Fāṭima to get prepared. Apparently she was responsible for 'women affairs' and is described by al-Jamal as 'queen'.[67] After a short time she sent a boy (*duawaydār*) with a permission to enter.[68] Following him, al-Jamal and the covert's sister entered the harem, or rather a vestibule of it, where the women awaited them standing veiled on a staircase. While al-Jamal stood aside, the convert's sister approached the women. Even before having appealed to her sister, the convert yelled at her that trying to bring her back home was useless and that she converted of her own will. Then she turned around and left the vestibule to the harem's innermost part to which al-Jamal and her sister could not follow her. Returning to the Imām, al-Jamal told him what happened.[69] Even though it was clear that there was no chance to revoke Naẓra's conversion, al-Jamal agreed to write a second petition to Yaḥyā asking him to allow the convert's mother to talk to her daughter as well. In his answer, the Imām made it unmistakably clear that Naẓra's conversion was final and that another visit "won't bear fruit" (*fa-lā thamara li-al-murāja'*).[70] It is uncertain what happened to Naẓra after this incident, whether she returned to her husband or was kept in the Imām's harem, as the governor had offered.

Al-Jamal was very moved by the conversion of Naẓra, which was the only case of voluntary conversion he personally heard of. From the Jewish point of view, it was indeed a case of apostasy which probably meant a certain 'disgrace' for her family. So why did Naẓra convert? At first sight it seems that she simply wanted to marry the soldier with whom she apparently was in love. But this doesn't seem to be the sole reason, as according to

[66] The fact that Naẓra was brought to Yaḥyā's harem does not say anything about the question whether he wanted to keep her there. As a women, she could not be accommodated anywhere else in the Imām's court.

[67] Her full name was Fāṭima ʿAlī al-Madanī. She was the third wife of Yaḥyā and at that time probably the most important and powerful woman at the court. There is almost no information on her besides her name. Cf. Bruck 2005, p. 255.

[68] He was young enough to enter the harem freely and was used to deliver messages from one part of the palace to another. Even in the Imām's court, there was no telephone by the mid-1940s. It was thus necessary to have someone to deliver messages. Apparently eunuchs did not exist anymore at Yaḥyā's court.

[69] Even though al-Jamal was irritated by the women's decision and felt empathy for her sister and mother, he had to tell the Imām the truth, who would have been informed of it anyway by his wives. Cf. Gamli'el 1986, p. 413.

[70] Doc. 595, *ibid*., p. 414.

Islamic law, it would have been possible for the soldier to marry a Jewish woman, as Islam is passed on by the father. Although it is of course possible that she converted out of religious motives, it does not seem likely. According to al-Jamal's report, she had already threatened to leave her family before that affair, which was only fully possible via conversion.[71] Similar to the case of Yosef Banāi, inherent to the conversion is a certain moment of changing the 'sphere of responsibility'. Although Naẓra was old enough to convert voluntarily, she still stood under her parents' or mother's supervision as long as she was single.[72] With her conversion to Islam she could evade from her surroundings, which were probably not to her liking. A possible explanation is that she was about to be married to a man she did not like, as there were also cases where Jewish women converted to Islam to force their Jewish husbands to divorce them.[73]

Concerning the protection-relationship, it can be deduced from this case that the protection of the mother from the 'injustice' (*ẓulm*) of taking her daughter out of her house, which she explicitly claimed,[74] was refused as soon as it became clear that she was not responsible for her daughter anymore and that an involvement on the mother's behalf would touch the right of her daughter as a (recently converted) Muslim woman. But at the same time the fact that Yaḥyā allowed the convert's sister to ask her for the reasons of her conversion shows that he was willing to scrutinize the conversion's legitimacy. Whether the Imām did this in favour of Naẓra, for the sake of justice or in order to inspect the governor's loyalty towards him is impossible to verify. Probably his motives were manifold. One thing is clear: that the distinctive moment in both cases of conversion is the change of the 'sphere of responsibility or jurisdiction', which in Banāi's case meant the deprivation of rights, but in Naẓra's an act of self-determined liberation.

V. Conclusion and Outlook

The analysis of these three cases enables us to probe continuing patterns concerning the protection-relationship. The most fundamental of them is

[71] *Ibid*., p. 415, n. 15.

[72] Her father is not mentioned at all, so he was probably no longer alive.

[73] There are cases from the years 1911–1912 in which husbands refused to give their wives a *get* (letter of divorce). As Jewish men were not allowed to marry Muslim women, they could obtain a divorce by converting. For the cases cf. Yavne'eli 1952, p. 222ff.

[74] "So that I won't be treated unjustly while my daughter is seduced from the middle of my house, when you are there [to protect me]" (*lā yaẓlimūnī wa-yaṭamma'ū bintī min wasṭ baytī wa-antum fī-al-wujūd*). Doc. 629 in Gamli'el 1986, p. 410.

that even in the most precarious situations Jews turned to Imām Yaḥyā for help and forcefully claimed his protection from injustice.[75] On his part, the Imām indeed treated the requests seriously, at least insofar as he addressed them, and seems to have strived towards a 'truthful' examination of the cases, even though he did not always decide according to the petitioner's wishes. It remains uncertain whether Yaḥyā – as in the case of Badīḥī – was sometimes reluctant to intervene more decisively, which theoretically he could have done by ruling with an *ikhtiyār*, or whether he was not able to pass judgement against the will of *the* or some *'ulamā'*.

Apart from the concrete concerns discussed in single cases, there emerged a further level of action in the cases negotiated in the framework of *dhimma*.[76] Yaḥyā also used the examination of a 'protection-case' to inspect the loyalty of his subjects who, as judges or governors, disposed of power in his state and might turn into a threat to his authority. From the behaviour of these officials and their anticipation of the Imām's orders, which came to light in the third case when the governor of Khamir sent Naẓra to the Imām's court before time and offered him to keep her in his harem, it is possible to draw conclusions concerning the 'imagined expectations' of Yaḥyā's subjects had of their ruler.[77]

As the obligation to provide protection was an integral part of the Zaydī *imām*'s self-image, Yaḥyā could also strengthen the legitimacy of his Imamate via actively providing protection.[78] Thus, the 'leniency' he apparently shows towards his Jewish subjects might also be motivated to prove his legitimate rule by presenting himself as a righteous protector who "orders the good and forbids the reprehensible" (*al-amr bi-al-ma'rūf wa-al-nahy 'an al-munkar*),[79] of which injustice (*ẓulm*) in general and the assault of the protected minority in particular form a part. Protecting his Jewish

[75] In the cases discussed here, the petitioners' adversaries are usually Muslims. This includes the case of Badīḥī where it is not the Jewish plaintiff but the judge al-Zubayrī who is presented as the opponent. Nevertheless, there are also cases included in al-Jamal's collection, in which the petitioner claims protection from adversaries within the Jewish community (ibid., chap. 7 and 11).

[76] This is true also for cases not discussed in this article.

[77] The imagination of Yaḥyā's thoughts plays a role in an argument between supporters of the Zohar and their opponents in the early 20th century. Cf. Wagner 2007.

[78] A Zaydī *imām* was not elected for life, but could be removed any time by a stronger and more convincing rival. He was thus forced to prove the legitimacy of his personal 'supreme leadership' (*imāma*). For the conditions of the Zaydī Imamate cf. Haykel 2003, p. 5ff and art. 'Zaydiyya' *in EI*^{2}.

[79] This principle goes back to different passages in the Qur'ān (3:104, 110, 114; 9:71, 112; 22:41; 7:157; 31:17).

subjects has thus a similar, reflexive function to prove the legitimacy of Yaḥyā' rule as implementing *šarīʿa* as state law, ruling by independent judgements (*ijtihādāt*) or rising against illegitimate rulers (*khurūj*).[80] The decisive difference between providing protection and the other mechanisms that manifest legitimacy of the 'supreme leadership' (*imāma*) is that the *dhimmī*s themselves had capacity to act. It would be conceivable, if the common knowledge about the importance of the active protection had to the self-image of the Zaydī *imām*, was tried to be used by his subjects to influence the Imām's decisions. Such attempts, which are hinted at in the case of Yosef Banāi for instance when ʿAlī al-Raymī intimated the governor's disloyalty, as well as Yaḥyā's reaction to them can throw further light on his self-image and way of governance.

It can be concluded that the relation between Yaḥyā and the Jews of Ṣanʿā and its environs – according to the examined cases – was determined by security rather than by discrimination. The Jews' right to claim protection from the Imām was principally fundamental, but it ended when it touched the sovereignty of Islam. With his intervention on behalf of the Jewish petitioners, he pursued his own interests as well, which often overlapped with the petitionors' aims. Beyond its first purpose, to regulate the relationship between him and the Jewish minority, the protection-relationship was a much wider 'social space' in which Muslims and Jews fought out political struggles, legal and religious tensions, personal arguments and court intrigues. A further examination of the social space of *dhimma* can thus throw light not just on the situation of the Jews and their relationship to Imām Yaḥyā, but also on social, legal, religious and political tensions and struggles within Muslim society under his rule.

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[80] For the reflexivity of the *imām*'s qualities cf. Haykel 2003, p. 202.

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